

**JUDGMENT OF ACQUITTAL — General..... Revised
3/2010**

Rule 20, Ariz. R. Crim. P., provides that the trial court may *sua sponte* declare a verdict of acquittal after the State has rested its case. In addition, a defendant may move for a directed verdict of acquittal either before the jury enters its verdict, or within ten days after the verdict. A Rule 20 motion before the verdict cannot be granted until the evidence on either side of the case has been presented and that side has rested. *State v. Rickard-Hughes*, 182 Ariz. 273, 275, 895 P.2d 1036, 1038 (App. 1995). The usual time the defense makes a motion for judgment of acquittal is after the State has presented its evidence and rested, but before the defense puts on any evidence. "Rule 20 motions are intended to be ruled on expeditiously so that a defendant is not forced to present his case when the state's case is insufficient." *State v. James*, 175 Ariz. 478, 857 P.2d 1332 (App. 1993).

"A Rule 20 motion is designed to test the sufficiency of the state's evidence. If no substantial evidence exists that the defendant committed the crime, then the trial judge must enter a judgment of acquittal." *State v. Greene*, 168 Ariz. 104, 107, 811 P.2d 356, 359 (App. 1991), *quoting State v. Neal*, 143 Ariz. 93, 98, 692 P.2d 272, 277 (1984). In determining whether to grant a Rule 20 motion, the trial court must consider all of the evidence presented in the light most favorable to the State and draw all reasonable inferences against the defendant. *State v. Willoughby*, 181 Ariz. 530, 545, 892 P.2d 1319, 1334 (1995), *cert. denied* 516 U.S. 1054 (1996). The trial court should only grant a Rule 20 motion if there is no substantial evidence to support a conviction under any reasonable construction of the evidence.

A judgment of acquittal under Rule 20 is appropriate only when "no substantial evidence [exists] to warrant a conviction." Ariz. R.Crim. P. 20(a). "Substantial evidence" is "evidence that would convince an unprejudiced thinking mind" about the truth of the fact for which the evidence is presented. *State v. Atwood*, 171 Ariz. 576, 597, 832 P.2d 593, 614 (1992). "If reasonable [persons] may fairly differ as to whether certain evidence establishes a fact in issue, then such evidence must be considered as substantial." *State v. Tison*, 129 Ariz. 546, 553, 633 P.2d 355, 362 (1981) (citations omitted).

State v. Jones, 188 Ariz. 388, 394, 937 P.2d 310, 316 (1997), *cert.denied* 522 U.S. 1054 (1998).

"Substantial evidence is proof that a rational trier of fact could find sufficient to support a conclusion of guilt beyond a reasonable doubt." *State v. Greene*, 192 Ariz. 431, 436, 967 P.2d 106, 111 (1998), *citing State v. Murray*, 184 Ariz. 9, 31, 906 P.2d 542, 564 (1995). "Substantial evidence is more than a 'mere scintilla' and is that which reasonable persons could accept as sufficient to support a guilty verdict beyond a reasonable doubt." *State v. Hughes*, 189 Ariz. 62, 73, 938 P.2d 457, 468 (1997). Substantial evidence does not require proof beyond a reasonable doubt; rather, it is such proof as reasonable minds could have concluded that defendant committed the crime. The substantial evidence required to support a conviction may be either direct or circumstantial. *State v. Pena*, 209 Ariz. 503, 505, 104 P.3d 873, 875 (App. 2005).

"The test is whether any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt." *State v. McCoy*, 187 Ariz. 223, 225, 928 P.2d 647, 649 (App. 1996), *cert. denied* 519 U.S. 1142 (1997), *citing Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). "When reasonable minds may differ on inferences drawn from the facts, the case must be submitted to the jury, and the trial judge has no discretion to enter a judgment of

acquittal." *State v. Lee*, 189 Ariz. 590, 603, 944 P.2d 1204, 1217 (1997), *cert. denied* 523 U.S. 1007 (1998), *citing State v. Landrigan*, 176 Ariz. 1, 4, 859 P.2d 111, 114 (1993).